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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,677	09/10/1999	TETSURO MOTOYAMA	5244-0099-2X	3114

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, NHON D

ART UNIT PAPER NUMBER

2174

DATE MAILED: 04/07/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/393,677

Applicant(s)

MOTOYAMA ET AL.

Examiner

Nhon (Gary) D Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, 11-17, 19-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-17, 19-25, and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 01/15/2004.
2. Claims 1, 3-9, 11-17, 19-25, and 27-32 are pending in this application. Claims 1, 9, 17, and 25 are independent claims. In the Amendment A, claims 3, 10, 18, and 26 are canceled, claims 1, 3-5, 8, 9, 11-14, 16, 17, 19-22, 24, 25, 27-30, and 32 are amended. This action is made final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-9, 11-17, 19-25, and 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Allard et al. ("Allard", US 6,018,619).

As per independent claim 1, Allard teaches a system comprising:

A device comprising an interface, the interface comprising a plurality of operations to be selected by a user (col. 8, line 46-48 and col. 11, lines 6-10);

a monitoring unit configured to monitor data of selecting of the plurality of operations of the interface by the user, and to generate a log of the monitored data, the log of the monitored data being stored in the device, and to automatically start the monitoring without requiring a

Art Unit: 2174

connection to a receiving device to which the log of monitored data is to be sent, the log of the monitored data being in a form of an abstract class (col. 11, lines 6-10, col. 9, lines 7-9, and col. 9, lines 58-59);

a communicating unit configured to receive an object derived from the abstract class including the log of the monitored data, and to automatically communicate the log of the monitored data by a unidirectional communication without requiring input from the device to which the log of the monitored data is to be sent (col. 9, lines 7-9, and col. 9, lines 60-64).

As per claim 3, which is dependent on claim 1, Allard teaches the device is an image forming device and the interface is an operation panel of the image forming device (col. 8, line 46-48 and col. 11, lines 6-10).

As per claim 4, which is dependent on claim 1, Allard teaches the device is an appliance and the interface is an operation panel of the appliance (col. 8, line 46-48 and col. 11, lines 6-10).

As per claim 5, which is dependent on claim 1, Allard teaches the communicating unit sends the log of the monitored data when the user exits the device (col. 9, lines 60-64).

As per claim 6, which is dependent on claim 1, Allard teaches a setting unit configured to set a number of sessions of the device to be executed by the user prior to the communicating unit communicating the log of the monitor data (col. 14, lines 15-23).

Art Unit: 2174

As per claim 7, which is dependent on claim 6, Allard teaches the abstract class includes first and second derived classes, the first derived class storing data of one session and the second derived class storing data of the set number of sessions (col. 14, lines 15-23).

As per claim 8, which is dependent on claim 1, it is inherent in Allard's system that the communicating unit communicated the log of the monitored data by Internet mail.

As per independent claims 9, 17, and 25, they are similar in scope to claim 1; therefore, they should be rejected under similar scope.

As per claims 11, 19, and 27, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 3; therefore, they should be rejected under similar scope.

As per claims 12, 20, and 28, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 4; therefore, they should be rejected under similar scope.

As per claims 13, 21, and 29, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 5; therefore, they should be rejected under similar scope.

As per claims 14, 22, and 30, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 6; therefore, they should be rejected under similar scope.

Art Unit: 2174

As per claims 15, 23, and 31, which are dependent on claims 14, 22, and 30 respectively, they are similar in scope to claim 7; therefore, they should be rejected under similar scope.

As per claims 16, 24, and 32, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 8; therefore, they should be rejected under similar scope.

Response to Arguments

5. Applicant's arguments filed 01/15/2004 have been fully considered but they are not persuasive.

Applicants argued the following:

(a) The claimed invention is directed to monitoring how a user uses an interface on a device such as an image forming apparatus. Allard teaches no such features. Allard is only concerned with how a user searches utilizing the World Wide Web.

(b) Allard clearly does not teach or suggest the claimed feature of the device including the interface being monitored also operating to store the log of the monitored data in that same device.

(c) There is no bi-directional communication required, i.e. no input is needed from a destination server, to begin the monitoring operation or to communicate the message of the monitored data. That is, in the noted claims the monitoring starting and the communication of the message of the monitored data does not require input from a device to which the message of the monitored data is to be communicated, in direct contrast to the disclosure in Allard.

Art Unit: 2174

The Examiner disagrees for the following reasons:

(a) By monitoring usage patterns of users of selecting different graphical user interfaces on the Web pages (abstract and col. 9, lines 7-64), Allard does teach a monitoring unit configured to monitor selecting data of the plurality of operations of the interface by the user as cited by the claimed language.

(b) Allard's col. 9, lines 57-64 does teach "a client 28 is able to do client side usage tracking by keeping a session usage log on disk 30 or RAM, local to the tracking client computer".

(c) There is, in fact, no input needed from a destination server to begin the monitoring operation or to communicate the message of the monitored data in Allard's system. According to Allard, the client 28 automatically monitors usage patterns of users and transmits the log usage from local disk 30 to the CST server 22 without requiring any input from the CST server 22 (col. 9, lines 56-64).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2174

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
March 31, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2106